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Attorney Docket No. 50665-8009.US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
 Certification under 37 CFR §1.10 (if applicable)

EF 889 535 261 US  
 Express Mail Label Number

August 17, 2001  
 Date of Deposit

I hereby certify that this Transmittal Letter, enclosed application and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date above and addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Lynnea B. Anderson  
 (Print Name of Person Mailing Application)

*Lynnea B. Anderson*  
 (Signature of Person Mailing Application)

Transmittal of Continuation-In-Part Patent Application  
for Filing Under 37 CFR §1.53(b)

Box Patent Application  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir: Transmitted herewith for filing is a patent application by inventors:  
 Raymond L. Rodriguez, Ning Huang, and entitled:

**PLANT SELECTABLE MARKER AND PLANT TRANSFORMATION METHOD**

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ One utility patent application containing text pages 1-36 and
  - ☒ 13 Sheets of drawings.
- ☒ Declaration of Inventorship (unsigned)

2. Amendment

- ☐ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☐ Please cancel original claims \*, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)

3. Extension of Time

- ☐ A \*-month time extension to file a Response to the Final Office Action dated \* has been filed in the parent to extend the pendency of the parent to \*(copy enclosed).
- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

4. U.S. Priority

- ☒ This application is a continuation-in-part of U. S. Patent Application No. 09/344,438 filed June 25, 1999, which claims priority to U.S. provisional patent application Ser. No. 60/090,896 filed June 25, 1998, now abandoned, all of which are incorporated herein in their entirety.

5. Foreign Priority

- ☐ Priority of Application No. \* filed in \* on \* is claimed under 35 USC §119.
- ☐ A certified copy of this priority document is enclosed.

6. Prior Documents Still In Effect

- ☒ This application and parent application Serial No. 09/344,438 filed June 25, 1999 are assigned of record to Applied Phytologics, Inc. by virtue of an assignment recorded at Reel 010343, Frame 0203 on November 1, 1999.

7. Entity Status

- ☒ Small entity status is proper for this case.

8. Fees

The filing fee has been calculated taking into account any amendments in section 2 above:

For:	(Col. 1)	(Col. 2)	Small Entity			Other Than a Small Entity	
	No. Filed	No. Extra	Rate	Fee		Rate	Fee
Basic Fee				\$355.00	or		\$710.00
Total Claims	19 - 20	0	0 x \$9 =	\$ 00.00	or	0 x \$ 18 =	\$ 00.00
Independent Claims	8 - 3	5	5 x \$40 =	\$200.00	or	0 x \$ 80 =	\$ 00.00
<input type="checkbox"/> Multiple Dependent Claim Presented			+ \$135 =	\$	or	+ \$270 =	\$ 00.00
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$555.00	or	TOTAL	\$

- ☒ Please charge the filing fee (\$555.00) to Deposit Account No. 50-0665. The Commissioner is hereby authorized to charge any deficiency in fees under 37 CFR 1.16 and 1.17 to Deposit Account 50-0665.

Respectfully submitted,

*Linda R. Judge*  
Linda R. Judge  
Registration No. 42,702

Date: August 17, 2001

Correspondence Address:

Customer No. 22918  
Phone: 650 838-4300

Attorney Docket No. 50665-8009.US01

Patent

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**Lynnea B. Anderson**

(Print Name of Person Mailing Application)



(Signature of Person Mailing Application)

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